

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|---------------------|
| CHRISTOPHER SIRMONS, JR. | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| COMMONWEALTH STATE OF | : | NO. 14-1273 |
| PENNSYLVANIA, et al. | : | |

ORDER

AND NOW, this *28th* day of March, 2014, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Christopher Sirmons, Jr., #LA-3460, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$1.13 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Rockview or at any other prison at which plaintiff may be incarcerated is directed to deduct \$1.13 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 2609 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, to be credited to Civil Action No. 14-1273. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at the State Correctional Institution at Rockview or at any other prison at which plaintiff may be incarcerated, shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 14-1273.

3. The Clerk of Court is directed to add the following defendants to the docket, as they are listed on page 2 of plaintiff's complaint: Colleen Dugan, Sean M. Fitzgerald, David Lehman, Michael J. Leonardziak, and Paul M. Yatron.

4. The Clerk of Court is directed to send a copy of this order to the Superintendent of the State Correctional Institution at Rockview.

5. The complaint is DISMISSED as legally frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) & (ii), for the reasons stated in the Court's Memorandum. Plaintiff's Fourth Amendment claims based on his arrest on October 17, 2012, his imprisonment before he was subject to legal process, and the related seizure of his rifle are dismissed without prejudice to his filing an amended complaint, as set forth in paragraph 6 of this order. Plaintiff's remaining claims are dismissed with prejudice.

6. Plaintiff is given leave to file an amended complaint as to his Fourth Amendment claims within thirty (30) days of the date of this Order. Plaintiff is reminded that he should identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

7. The Clerk of Court shall CLOSE this case.

BY THE COURT:



C. DARNELL JONES, II, J.